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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/680,094	10/08/2003	Yasushi Kasai	03500.017624.	4435

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EXAMINER	
CUTLER, ALBERT H	

ART UNIT	PAPER NUMBER
2622	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/680,094	KASAI, YASUSHI	
	Examiner	Art Unit	
	ALBERT H. CUTLER	2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *13 September 2010*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *13 and 15-17* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *13 and 15-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application.
6) ☐ Other: _____.

DETAILED ACTION

1. This office action is responsive to communication filed on September 13, 2010. Claims 13 and 15-17 are pending in the application and have been examined by the Examiner.

Continued Examination Under 37 CFR 1.114

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on September 13, 2010 has been entered.

Response to Arguments

3. Applicant's arguments with respect to claims 13 and 15-17 have been considered but are moot in view of the new ground(s) of rejection.

Claim Objections

4. Claims 15 and 16 are objected to because of the following informalities: Lack of clarity and precision.

5. Claims 15 and 16 recite "from **the** storage medium". However, no storage medium is previously recited in claims 15 and 16 or the parent claim 13. Upon further examination, it appears this limitation should be removed from claims 15 and 16 or amended to recite "from **a** storage medium" or something of similar nature. The Examiner will interpret this limitation to be removed from claims 15 and 16, as it is

removed from claim 13 in the presently amended claims. Appropriate correction is required.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. The factual inquiries set forth in *Graham* v. *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

8. Claims 13, 15 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. (US 2003/0093790) in view of Sato et al. (US 20030053380).

Consider claim 13, Logan et al. teaches:

An image processing apparatus (personal video recorder, figure 2, paragraphs 0298 and 0299) comprising:

a reproducing unit (playback control, 211) which reproduces one continuous video of a moving image ("controls the playback of stored video programming", paragraph 0302) for a predetermined reproduction time set in advance (A Scan button

is used to play a few seconds (i.e. a predetermined reproduction time set in advance) of a video segment (i.e. one continuous video of a moving image), paragraphs 0345.); and

a determining unit which determines whether a first button ("Play button") is pressed during reproduction of the one continuous video of the moving by said reproducing unit ("A viewer could hit the Scan button and hit a Play button when a segment worth watching was presented", paragraph 0351. In order for the personal video recorder to determine if the Play button is hit, there must be a determining unit.),

wherein if the predetermined reproduction time set in advance (i.e. a few seconds) is passed from the start of reproduction of the one continuous video (i.e. first video segment) without said determining unit determining that the first button (Play button) is pressed, said reproducing unit stops reproducing the one continuous video of the moving image ("the scan button will play a few seconds of video from each listed video segment, moving from choice to choice until a selection is made", paragraph 0345, lines 4-7. See also paragraph 0212.), and if said determining unit determines that the first button (Play button) is pressed before the predetermined reproduction time set in advance is passed from the start of reproduction of the one continuous video, said reproducing unit continues to reproduce the one continuous video of the moving image (i.e. the first video segment) up to the end thereof even if the predetermined reproduction time is passed and starts reproduction of another continuous video of a next moving image (i.e. a second video segment) which is not included in the one continuous video of the moving image reproduced up to the end thereof ("Upon hitting the Play button, the segment would start at the beginning of the segment", paragraph

0351. Paragraph 0268 details that a playlist specifies the sequence in which program segments will be played back. Paragraph 0270 details that the playlist is comprised of extracts from a stored program, and that the extracts enable a user to view a shortened summary of the program. Therefore, it is clear that extracted video segments (i.e. continuous video segments) are continuously played.), and

wherein said determining unit determines if a second button ("Next button") is pressed during the reproduction of the one continuous video of the moving image continued by said reproducing unit after said determining unit determines that the first button is pressed before the predetermined reproduction time is passed, and if the second button is so pressed said reproducing unit terminates the continued reproduction of the one continuous video of the moving image and then starts reproduction of said another continuous video of the next moving image which is not included in the one continuous video of the moving image which the reproduction unit terminates to reproduce in response to the press of the second button (The Next button gives the user the ability to skip to the next segment (i.e. next moving image) without having to toggle on the index display, paragraph 0342. See also paragraph 0268.).

However, Logan et al. does not explicitly teach that the one continuous video is reproduced from a start thereof.

Sato et al. similarly teaches a scan playback mode for reproducing a video (paragraph 0004).

However, in addition to the teachings of Logan et al., Sato et al. teaches that that the one continuous video is reproduced from a start thereof (See figure 4, paragraph

0120. The scan playback time "A" begins at the start of the continuous video segment "B".).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to have the one continuous moving video taught by Logan et al. reproduced from the start thereof as taught by Sato et al. for the benefit of providing a flexible scan playback with extremely high accuracy that makes it possible to enhance the convenience of the user or the like (Sato et al., paragraph 0121).

Consider claim 15, and as applied to claim 13 above, Logan et al. further teaches a display unit ("television screen display", paragraph 0301) which displays the moving image reproduced by said reproducing unit (Figures 3-5 illustrate screen layout displays, paragraph 0011. Paragraph 0319 details the display of "the video picture".),

wherein said display unit displays the one continuous video of the moving image reproduced by said reproducing unit even after the predetermined reproduction time is passed, if said determining unit determines that the first button is pressed before the predetermined reproduction time is passed from the start of reproduction of the one continuous video ("Upon hitting the Play button, the segment would start at the beginning of the segment", paragraph 0351. Paragraph 0268 details that a playlist specifies the sequence in which program segments will be played back. Paragraph 0270 details that the playlist is comprised of extracts from a stored program, and that the extracts enable a user to view a shortened summary of the program. Therefore, it is

clear that extracted video segments (i.e. continuous video segments) are continuously played.).

Consider claim 16, and as applied to claim 13 above, Logan et al. further teaches a video signal output unit ("television screen display", paragraph 0301) which outputs the moving image reproduced by said reproducing unit (Figures 3-5 illustrate screen layout displays, paragraph 0011. Paragraph 0319 details the display of "the video picture".), wherein

said video signal output unit outputs the one continuous video of the moving image reproduced by said reproducing unit even after the predetermined reproduction time is passed, if said determining unit determines that the first button is pressed before the predetermined reproduction time is passed from the start of reproduction of the one continuous video ("Upon hitting the Play button, the segment would start at the beginning of the segment", paragraph 0351. Paragraph 0268 details that a playlist specifies the sequence in which program segments will be played back. Paragraph 0270 details that the playlist is comprised of extracts from a stored program, and that the extracts enable a user to view a shortened summary of the program. Therefore, it is clear that extracted video segments (i.e. continuous video segments) are continuously played.).

9. Claim 17 is rejected under 35 U.S.C. 103(a) as being unpatentable over Logan et al. in view of Sato et al. as applied to claim 13 above, and further in view of Allen (US 6,529,233).

Consider claim 17, and as applied to claim 13 above, the combination of Logan et al. and Sato et al. does not explicitly teach that the image processing apparatus includes a digital camera or a digital video camera.

Allen similarly teaches an image processing device (set top box, STB, 502, figures 5 and 6) connected to a television display (TV, 202, figure 5).

However, in addition to the teachings of the combination of Logan et al. and Sato et al., Allen teaches that the image processing apparatus (502) includes a digital camera or a digital video camera ("the camera 208 and microphone 209 are disposed within a STB 502", column 8, lines 53-58, column 9, lines 7-9. The camera (208) is a digital camera, column 4, line 66 through column 5, line 4.).

Therefore it would have been obvious to a person having ordinary skill in the art at the time of the invention to include a digital video camera as taught by Allen in the image processing apparatus taught by the combination of Logan et al. and Sato et al. for the benefit of enabling reliable videoconferencing (Allen, column 1, lines 52-62).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ALBERT H. CUTLER whose telephone number is (571)270-1460. The examiner can normally be reached on Mon-Thu (9:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on (571) 272-7564. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Albert H Cutler/
Examiner, Art Unit 2622